

1 GARRETT J. WALTZER (State Bar No. 130764)
 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP
 2 525 University Avenue, Suite 1100
 Palo Alto, California 94301
 3 Telephone: (650) 470-4500
 Facsimile: (650) 470-4570

4 AMY S. PARK (State Bar No. 208204)
 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP
 5 300 South Grand Avenue, Suite 3400
 Los Angeles, California 90071
 6 Telephone: (213) 687-5000
 7 Facsimile: (213) 621-5045

8 Attorneys for Defendants
 Kenneth Denman, Bo Hedfors,
 9 Gerald Held, Masood Jabbar
 and Bernard Puckett

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN FRANCISCO DIVISION

14 MANFRED HACKER,

15 Plaintiff,

16 vs.

17 DAVID PETERSCHMIDT; DONALD
 18 LISTWIN; JOSHUA PACE; STEVEN
 19 PETERS; AL SNYDER; SIMON
 20 WILKINSON; KENNETH DENMAN; BO
 HEDFORS; GERALD HELD; MASOOD
 21 JABBAR; BERNARD PUCKETT,

22 Defendants,

23 -and-

24 OPENWAVE SYSTEMS, INC.,

25 Nominal Defendant.
 26

CASE NO.: 06-cv-03468-SI

STIPULATION AND ~~PROPOSED~~
 ORDER EXTENDING TIME TO
 RESPOND TO AMENDED COMPLAINT

27
 28 Stipulation. and [Proposed] Order Extending
 Time To Respond To Amended Complaint
 Case No. 06-cv-03468-SI

STIPULATION

WHEREAS, on May 30, 2006, plaintiff filed the original complaint in this shareholder derivative action;

WHEREAS, pursuant to a prior stipulation among the parties, on July 17, 2006, plaintiff filed an amended complaint in this action;

WHEREAS, pursuant to the parties' prior stipulation, defendants' time to answer, move or otherwise respond to the amended complaint is set for August 18, 2006;

WHEREAS, since the parties executed the prior stipulation, three other purported shareholders of nominal defendant Openwave Systems, Inc. have filed separate shareholder derivative actions in this Court;

WHEREAS, with multiple cases pending and to allow plaintiff sufficient time to consider and take appropriate action in light of the pendency of those other cases, plaintiff has agreed to grant defendants a further extension of time to September 18, 2006, to answer, move or otherwise respond, if necessary, to the amended complaint in this action;

WHEREAS, the parties hereto believe this Stipulation is in the best interest of judicial economy;

///

///

///

///

///

///

///

///

///

///

///

1 THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between
2 the parties hereto, subject to approval of the Court, that defendants shall answer, move or
3 otherwise respond to the amended complaint, if necessary, no later than September 18, 2006.

4 Dated: August 2, 2006

5 By: /s/ Amy S. Park

Amy S. Park (208204)
SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP
300 South Grand Avenue, Suite 3400
Los Angeles, CA 90071-3144

Attorneys for Defendants Kenneth
Denman, Bo Hedfors, Masood Jabbar
and Bernard Puckett

11 Dated: August 2, 2006

By: /s/ Shirish Gupta

Lee H. Rubin, (141331)
Shirish Gupta, (205584)
MAYER, BROWN, ROWE
& MAW LLP
Two Palo Alto Square, Suite 300
3000 El Camino Real
Palo Alto, CA 94306

Attorneys for Defendants Don
Listwin, Joshua Pace, Dave
Peterschmidt, Allen Snyder, Simon
Wilkinson

18 Dated: August 2, 2006

By: /s/ Jeffrey K. Li

Jeffrey K. Li (186305)
OPENWAVE SYSTEMS, INC.
2100 Seaport Boulevard
Redwood City, CA 94063

Attorney for Defendant Openwave
Systems, Inc.

23 Dated: August 2, 2006

By: /s/ Arthur L. Shingler III

Arthur L. Shingler III (181719)
SCOTT + SCOTT, LLC
600 B Street, Suite 1500
San Diego, CA 92101

Attorney for Plaintiff

~~[PROPOSED]~~ ORDER

Upon stipulation of the parties, and good cause appearing:

Defendants shall answer, move or otherwise respond to the amended complaint no later than September 18, 2006.

IT IS SO ORDERED.

Dated: 08/04/06



United States District Judge

1 I, Amy S. Park, am the ECF User whose identification and password are being used to
2 file this Stipulation and [Proposed] Order Extending Time To Respond To Amended Complaint.
3 In compliance with General Order 45.X.B, I hereby attest that each of the counsel executing the
4 Stipulation has concurred in this filing.

5
6 Dated: August 2, 2006

SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP

7
8 By: /s/ Amy S. Park
Amy S. Park

9
10 Attorneys for Defendants
Kenneth Denman, Bo Hedfors,
Masood Jabbar and Bernard Puckett
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27